

Fill in this information to identify the case:

United States Bankruptcy Court for the:

____ District of Delaware
(State)Case number (if known): _____ Chapter 11☐ Check if this is an amended filing**Official Form 201****Voluntary Petition for Non-Individuals Filing for Bankruptcy**

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name JDS Fourth Avenue LLC2. All other names debtor used in the last 8 years None

Include any assumed names, trade names, and *doing business* as names

3. Debtor's federal Employer Identification Number (EIN) 4 6 - 5 1 1 9 5 2 34. Debtor's address **Principal place of business** **Mailing address, if different from principal place of business**104 5th Avenue
Number Street9th FloorNew York NY 10011
City State ZIP CodeNew York
CountySame
Number StreetP.O. BoxCity State ZIP Code**Location of principal assets, if different from principal place of business**Same
Number StreetCity State ZIP Code5. Debtor's website (URL) None

Debtor JDS Fourth Avenue LLC Case number (if known) _____
 Name

6. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify: _____

7. Describe debtor's business*A. Check one:*

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

5 3 1 3

8. Under which chapter of the Bankruptcy Code is the debtor filing?

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

Check one:

- ☐ Chapter 7
☐ Chapter 9
☒ Chapter 11. *Check all that apply:*

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

Debtor JDS Fourth Avenue LLC Case number (if known) _____
Name

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

☒ No

☐ Yes. District _____ When _____ Case number _____
MM / DD / YYYY

If more than 2 cases, attach a separate list.

District _____ When _____ Case number _____
MM / DD / YYYY

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

☒ No

☐ Yes. Debtor _____ Relationship _____

District _____ When _____
MM / DD / YYYY

List all cases. If more than 1, attach a separate list.

Case number, if known _____

11. Why is the case filed in this district?

Check all that apply:

☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? *(Check all that apply.)*

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other _____

Where is the property?

Number _____ Street _____

City _____ State ZIP Code _____

Is the property insured?

☐ No

☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

Debtor JDS Fourth Avenue LLC
Name

Case number (if known) _____

13. Debtor's estimation of available funds

Check one:

- ☐ Funds will be available for distribution to unsecured creditors.
- ☒ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

- ☒ 1-49 ☐ 1,000-5,000 ☐ 25,001-50,000
- ☐ 50-99 ☐ 5,001-10,000 ☐ 50,001-100,000
- ☐ 100-199 ☐ 10,001-25,000 ☐ More than 100,000
- ☐ 200-999

15. Estimated assets

- ☐ \$0-\$50,000 ☒ \$1,000,001-\$10 million ☐ \$500,000,001-\$1 billion
- ☐ \$50,001-\$100,000 ☐ \$10,000,001-\$50 million ☐ \$1,000,000,001-\$10 billion
- ☐ \$100,001-\$500,000 ☐ \$50,000,001-\$100 million ☐ \$10,000,000,001-\$50 billion
- ☐ \$500,001-\$1 million ☐ \$100,000,001-\$500 million ☐ More than \$50 billion

16. Estimated liabilities

- ☐ \$0-\$50,000 ☒ \$1,000,001-\$10 million ☐ \$500,000,001-\$1 billion
- ☐ \$50,001-\$100,000 ☐ \$10,000,001-\$50 million ☐ \$1,000,000,001-\$10 billion
- ☐ \$100,001-\$500,000 ☐ \$50,000,001-\$100 million ☐ \$10,000,000,001-\$50 billion
- ☐ \$500,001-\$1 million ☐ \$100,000,001-\$500 million ☐ More than \$50 billion

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 06/01/2021

MDcc/Signed by

X /s/

Michael Stern

Signature of authorized representative of debtor

Michael Stern

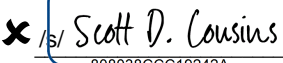
Printed name

Title Managing Member

Debtor JDS Fourth Avenue LLC
Name

Case number (if known) _____

18. Signature of attorney

DocuSigned by:

 808038CCC19242A...
 Signature of attorney for debtor

Date 06/01/2021
 MM / DD / YYYY

Scott D. Cousins

Printed name

Cousins Law LLC

Firm name

1521 Concord Pike, Suite 301

Number Street

Wilmington

City

DE 19803

State ZIP Code

302-824-7081

Contact phone

scott.cousins@cousins-law.com

Email address

3079

Bar number

DE

State

**RESOLUTIONS OF
THE MANAGING MEMBER OF
JDS FOURTH AVENUE LLC**

May 31, 2021

On May 31, 2021, JDS Fourth Avenue JV II LLC (the “*Managing Member*”), the managing member of JDS Fourth Avenue LLC (the “*Company*”), took the following actions and adopted the following resolutions in accordance with (i) the applicable governing law of Delaware, and (ii) the amended and restated limited liability company agreement of the Company.

**Authorization to Commence Chapter 11 Proceedings;
Authorization to Employ and Retain Requisite Professionals**

WHEREAS, the Managing Member of the Company has reviewed and analyzed the materials presented by the Company’s management and the Company’s legal advisors and has held vigorous discussions (including with management and such advisors) regarding such materials and the liabilities of the Company, ongoing litigations asserted against the Company, the short- and long-term prospects of the Company, the restructuring and strategic alternatives available to the Company, and the impact of the foregoing on the Company’s business and operations and has consulted with management and the Company’s legal advisors regarding the above;

WHEREAS, the Managing Member of the Company has determined, with the advice of counsel, that the other member of the Company, Largo 613 Baltic Street Partners LLC, is conflicted and will not provide consent to the Company’s decision to seek bankruptcy protection because of such conflict; and

WHEREAS, the Managing Member of the Company has determined that it is necessary, advisable and in the best interests of the Company, its creditors, members and other interested parties, and necessary and convenient to the purpose, conduct, promotion, or attainment of the business and affairs of the Company, that a petition be filed by the Company seeking relief under chapter 11 of title 11 of the United States Code (the “*Bankruptcy Code*”) and that the Company undertake related actions.

NOW THEREFORE BE IT:

RESOLVED, that the Managing Member of the Company, in its best judgment, and after consultation with management and the Company’s legal advisors, has determined that it is desirable and in the best interests of the Company, its creditors, members and other interested parties that a voluntary petition for relief under chapter 11 of the Bankruptcy Code be filed and directs that the Company file or cause to be filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code;

RESOLVED FURTHER, that the “*Authorized Officer*” referenced in these resolutions shall be Michael Stern;

RESOLVED FURTHER, that the Authorized Officer of the Company, be, and hereby is, authorized and empowered on behalf of, and in the name of, the Company to execute and verify or certify a petition under chapter 11 of the Bankruptcy Code and to cause the same to be filed in the United States Bankruptcy Court for the District of Delaware at such time as such officer shall determine;

RESOLVED FURTHER, that the Authorized Officer of the Company be, and hereby is, authorized and empowered on behalf of, and in the name of, the Company to execute and file all pleadings, schedules, lists, and other papers, and to take any and all actions that such officer may deem necessary or proper in connection with the foregoing resolutions;

RESOLVED FURTHER, that the Authorized Officer be, and hereby is, authorized and empowered on behalf of, and in the name of, the Company to engage the law firm of Cousins Law LLC ("***Cousins Law***") as general bankruptcy counsel to represent and assist the Company in carrying out its duties under the Bankruptcy Code and to take any and all actions to advance the Company's rights and interests, including filing any pleadings and making any filings with regulatory agencies or other governmental authorities; and, in connection therewith, the Authorized Officer be, and hereby is, authorized and directed to execute appropriate retention agreements, pay appropriate retainers prior to and after the filing of the Company's chapter 11 case, and cause to be filed an appropriate application for authority to retain the services of Cousins Law; and

RESOLVED FURTHER, that the Authorized Officer of the Company be, and hereby is, authorized and empowered on behalf of, and in the name of, the Company to engage any other professionals as deemed necessary or appropriate in his sole discretion to assist the Company in carrying out its duties under the Bankruptcy Code, including executing appropriate retention agreements, paying appropriate retainers prior to or after the filing of the Company's chapter 11 case, and filing appropriate applications for authority to retain the services of any other professionals as the Authorized Officer shall in his sole discretion deem necessary or desirable.

General

RESOLVED FURTHER, that the Authorized Officer of the Company be, and hereby is, authorized and empowered on behalf of, and in the name of, the Company to (i) take or cause to be taken any and all such further actions and to prepare, execute and deliver or cause to be prepared, executed and delivered and, where necessary or appropriate, file or cause to be filed with the appropriate governmental authorities, all such necessary or appropriate instruments and documents, (ii) incur and pay or cause to be paid all fees and expenses associated with or arising out of the actions authorized herein, and (iii) engage such persons as the Authorized Officer shall in his sole discretion deem necessary or desirable to carry out fully the intent and purposes of the foregoing resolutions and each of the transactions contemplated thereby, such determination to be conclusively established by the taking or causing of any such further action;

RESOLVED FURTHER, that all lawful actions of any kind taken prior to the date hereof by the Authorized Officer, or any person or persons designated or subsequently authorized to act by the Authorized Officer, which acts would have been authorized by the foregoing resolutions,

except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Company;

RESOLVED FURTHER, that the signature of the Authorized Officer of the Company on any document, instrument, certificate, agreement or other writing shall constitute conclusive evidence that such officer deemed such act or thing to be necessary, advisable or appropriate; and

RESOLVED FURTHER, that the Authorized Officer of the Company be, and hereby is, authorized and empowered to certify and to furnish such copies of these resolutions as may be necessary and such statements of incumbency of the corporate officers of the Company as may be requested.

* * * * *

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

JDS Fourth Avenue LLC,

Debtor.¹

Chapter 11

Case No.: 21- _____ (___)

**LIST OF EQUITY SECURITY HOLDERS PURSUANT TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 1007(a)(3)**

Name and Last Known Address of Equity Interest Holder	Percentage of Interests Held	Kind of Interest
JDS Fourth Avenue JV II LLC 104 Fifth Avenue, 9th Floor New York, New York 10011	51	Membership Interests
Largo 613 Baltic Street Partners LLC 155 Noble Street Brooklyn, New York 11222	49	Membership Interests

¹ The Debtor in this chapter 11 case, along with the last four digits of the debtor's tax identification number is JDS Fourth Avenue LLC (9523). The Debtor's mailing address is 104 5th Avenue, 9th Floor, New York, NY 10011.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

JDS Fourth Avenue LLC,

Debtor.¹

Chapter 11

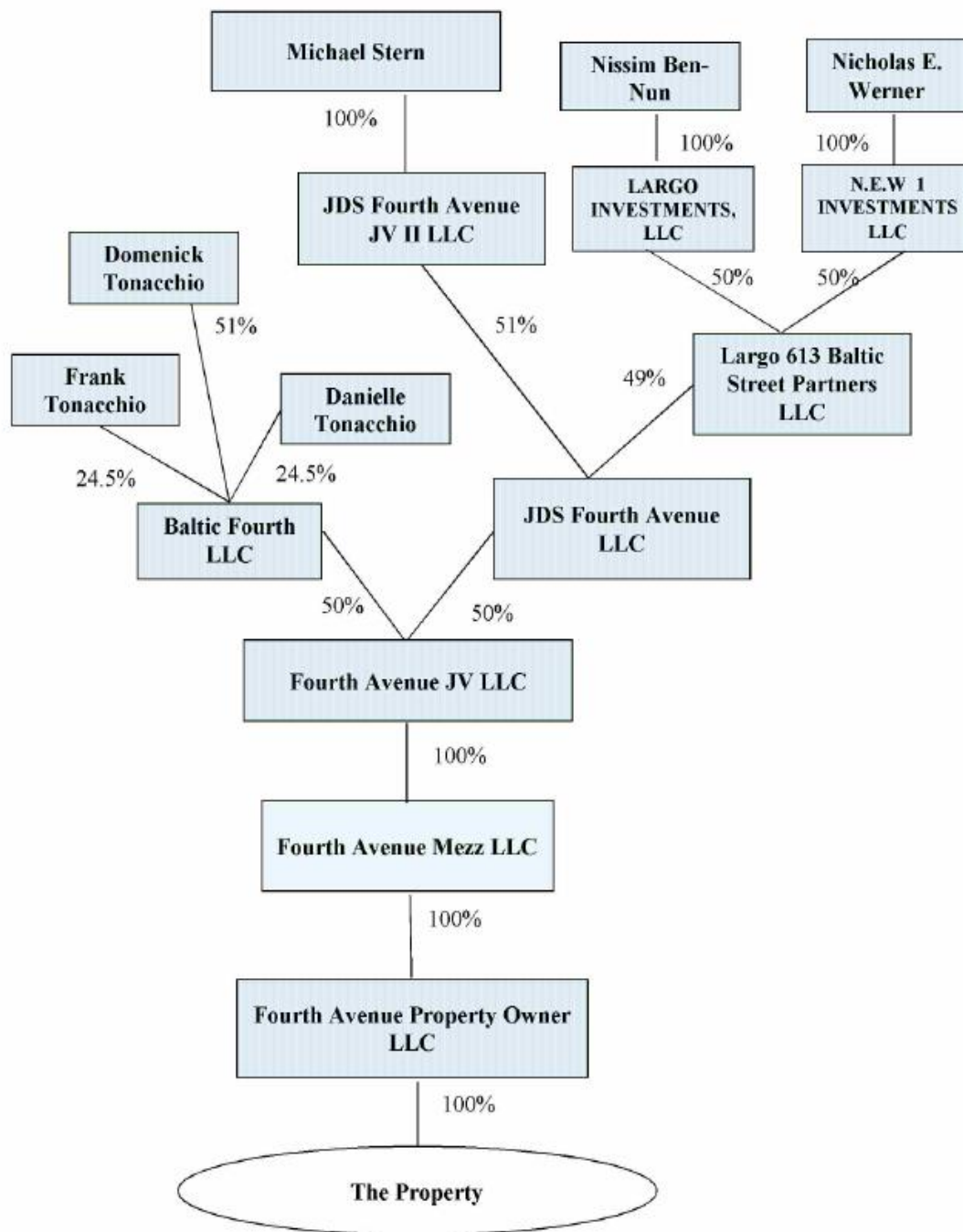
Case No.: 21- _____ (___)

CORPORATE OWNERSHIP STATEMENT

Pursuant to Rules 1007(a)(1) and 7007.1 of the Federal Rules of Bankruptcy Procedure, the following organizational chart identifies all entities having a direct or indirect ownership interest, of the above-captioned debtor in possession (the “**Debtor**”) and any entity in which the Debtor owns an interest.

¹ The Debtor in this chapter 11 case, along with the last four digits of the debtor’s tax identification number is JDS Fourth Avenue LLC (9523). The Debtor’s mailing address is 104 5th Avenue, 9th Floor, New York, NY 10011.

ORGANIZATIONAL CHART



3.4.48470e1

G4 002032

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

JDS Fourth Avenue LLC,

Debtor.¹

Chapter 11

Case No.: 21- _____ (___)

CERTIFICATION OF DEBTOR'S LIST OF CREDITORS

JDS Fourth Avenue LLC (“**JDS**”), as debtor and debtor in possession (the “**Debtor**”) hereby certifies under penalty of perjury that the Creditor Matrix submitted herewith, pursuant to Rule 1007-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), formatted in portable document format, containing the list of creditors of the Debtor, is complete and, to the best of the Debtor’s knowledge, correct and consistent with the Debtor’s books and records.

The information contained in the Creditor Matrix is based on a review of the Debtor’s books and records. However, the Debtor has not completed a comprehensive legal and/or factual investigation with regard to possible defenses to any claims of the potential claimants included in the Creditor Matrix. In addition, certain of the entities included in the Creditor Matrix may not hold outstanding claims as of the date hereof, and therefore may not be creditors of the Debtor for purposes of this chapter 11 case.

¹ The Debtor in this chapter 11 case, along with the last four digits of the debtor’s tax identification number is JDS Fourth Avenue LLC (9523). The Debtor’s mailing address is 104 5th Avenue, 9th Floor, New York, NY 10011.

Therefore, this listing does not and should not be deemed to constitute either (i) a waiver of any defense to any claims that may be asserted against the Debtor, or (ii) an acknowledgement of the validity or amount of any claims that may be asserted against the Debtor.

Dated: June 1, 2021

JDS Fourth Avenue LLC

By: /s/ Michael Z. Stern
Michael Z. Stern

American Arbitration Association

120 Broadway, 21st Floor
New York, NY 10271-2700

Baltic Fourth LLC

615 Baltic Street
Brooklyn, NY 11217-3101

FTI Consulting

P.O. Box 418005
Boston, MA 02241-8005

Kasowitz Benson Torres LLP

1633 Broadway
New York, NY 10019-6708

Largo 613 Baltic Street Partners LLC

155 Noble Street
Brooklyn, NY 11222-2568

Lewis Brisbois Bisgaard & Smith LLP

77 Water Street, Suite 2100
New York, NY 10005-4403
Lydecker LLP
1221 Brickell Avenue, 19th Floor
Miami, FL 33131-3240

Tona Construction & Management LLC

58 North Main Street
Marlboro, NJ 07746-1451

Internal Revenue Service

P.O. Box 7346
Philadelphia, PA 19101-7346

Securities & Exchange Commission

Secretary of the Treasury
100 F Street, NE
Washington, DC 20549-2001

Securities and Exchange Commission

New York regional Office
Attn: Andrew Calamari, Regional Director
Brookfield Place
220 Vesey Street, Suite 400
New York, NY 10281-1022

Delaware State Treasury

820 Silver Lake Blvd., Suite 100
Dover, DE 19904-2464

Secretary of State

Divisions of Corporations
Franchise Tax
P.O. Box 898
Dover, DE 19903-0898

Fill in this information to identify the case:

Debtor name JDS Fourth Avenue LLCUnited States Bankruptcy Court for the: _____ District of Delaware
(State)

Case number (If known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	Largo 613 Baltic Street Partners LLC	155 Noble Street Brooklyn, NY 11222	Litigation Claim	C,U, D			Unknown
2	Baltic Fourth LLC	615 Baltic Street Brooklyn, NY 11217	Litigation Claim	C, U, D			Unknown
3	Tona Construction & Management LLC	58 North Main Street Marlboro, NJ 07746	Litigation Claim	C, U, D			Unknown
4	FTI Consulting	P.O. Box 418005 Boston, MA 02241	Consulting Services				\$178,922.00
5	Kasowitz Benson Torres LLP	1633 Broadway New York, NY 10019	Legal Services	D			\$309,292.00
6	Lydecker LLP	1221 Brickell Avenue 19th Floor Miami, FL 33131	Legal Services				\$27,730.84
7	American Arbitration Association	120 Broadway 21st Floor New York, NY 10271	Professional Services				\$2,231.25
8	Lewis Brisbois Bisgaard & Smith LLP	77 Water Street Suite 2100 New York, NY 10005	Legal Services				Unknown

Debtor

JDS Fourth Avenue LLC

Name

Case number (if known)

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

Fill in this information to identify the case and this filing:

Debtor Name JDS Fourth Avenue LLC

United States Bankruptcy Court for the: _____ District of Delaware
(State)

Case number (If known): _____

Official Form 202**Declaration Under Penalty of Perjury for Non-Individual Debtors****12/15**

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ Amended Schedule _____
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☒ Other document that requires a declaration _____ Creditor Matrix, List of Equity Holders, Corporate Ownership Statement _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/31/2021

MM / DD / YYYY

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Signed by:

Michael Stern

Signature of individual signing on behalf of debtor

Michael Stern
Printed name

Principal
Position or relationship to debtor